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LAWS GOVERNING


GENERAL ELECTIONS

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STATE OF FLORIDA

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Laws Governing General Elections in the State of Florida

Section 170. *Who Are Qualified Electors.*—Every male person of the age of twenty-one years and upwards, that shall at the time of registration be a citizen of the United States, and shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year, and in the county for six months, shall, if otherwise qualified according to law in such county, be deemed a qualified elector at all elections under the Constitution. Naturalized citizens of the United States, at the time of and before registration, shall produce to the registration officer their certificates of naturalization or duly certified copies thereof, and shall make oath that they are the identical persons named in such certificate, before they shall be allowed to register; Provided, That the following classes of persons shall not be entitled to vote:

First. Persons not duly registered according to law.

Second. Persons under guardianship, including those kept in or confined in any public prison.

Third. Persons who are insane or idiotic.

Fourth. Persons who may have been convicted of felony by any court of record.

Fifth. Persons who may have been convicted of bribery, perjury, or larceny, or of any infamous crime in any court of this State, or any other State, or interested in any bet or wager the result of which shall depend upon any election, or that shall hereafter fight a duel, or send knowingly, carry or accept a challenge to fight, or that shall be a second to either party, or that shall be the bearer of such a challenge or acceptance; but the legal disability shall not accrue until after trial and conviction by due form of law.

Sixth. No person shall be permitted to vote at an election who shall have failed to pay, at least on or before

the second Saturday in the month preceding the day of such election, his poll taxes for the two years next preceding the year in which such election shall be held; Provided, That no person shall be prevented from voting on account of not having so paid a poll tax for any year which shall not have been lawfully assessable against him by reason of his not having been of age, or having been over 55 years of age or who has lost a limb in battle, and who shall have procured and shall exhibit the certificate of the Supervisor of Registration to that effect as hereinafter provided for; Provided, That no person who has not been in this State one year previous to any general election, shall be required to pay more than one year's poll taxes.

Sec. 171. *Day of General Election.*—A general election shall be held in the several counties of this State on the Tuesday next succeeding the first Monday in November, A. D. 1906, and biennially on the same day thereafter, or upon such a day as may hereafter be fixed by law, at which general election there shall be chosen, by the qualified electors of this State, such elective State and county officers whose term of office may then require an election to be held to fill such office, besides State Senators and members of the House of Representatives of this State, and such other elective officers as may be required to be elected, as provided by the Constitution and laws of this State, except as herein otherwise provided.

Sec. 172. *General Elections.*—A Governor, the administrative officers of the executive department, and the State Senators representing the odd numbered districts, shall be elected at a general election to be held in A. D. 1908, and every four years thereafter. State Senators from the even numbered districts shall be chosen at the general election in A. D. 1906 and every four years thereafter. Members of the House of Representatives shall be chosen at every general election. A Clerk of the Circuit Court and County Judge, and Sheriff, and Superintendent of Public Instruction, and a County Surveyor, shall be chosen for each county in this State by its qualified electors at said election, A. D. 1908, and every four years thereafter. A County Assessor of Taxes, and County Tax Collector and a County Treasurer for

each county in this State, and County Board of Public Instruction, consisting of three members, one from each school board district, to be elected from the several counties at large of this State, and a Board of County Commissioners of five members, one from each county commissioners' district, elected from the several counties at large of this State, and a Justice of the Peace, and a Constable for each justice district, shall be elected by the qualified electors thereof at every general election.

Sec. 173. *As to Election of Justices of Supreme Court.* See Section 1742. (To be Six Justices of the Supreme Court.)—From and after the first Tuesday after the first Monday in June, 1905, the Supreme Court shall consist of six Justices, who shall be elected by the qualified electors of the State at the time and place of voting for members of the Legislature, and shall hold their office for the term of six years, except as hereinafter provided: Of the four Justices who were elected at the general election, A. D. 1904, the one elected to succeed the then Chief Justice shall hold office for the term of six years, beginning on the first Tuesday after the first Monday in January, 1905, and the three who were elected to succeed the three additional Justices provided for by the amendments of Sections 2 and 4, of Article V, of the Constitution, adopted at the general election held A. D. 1902, whose terms of office begin on the first Tuesday after the first Monday in June, A. D. 1905, one of whom to be designated by lot in such manner as the three may determine, who shall hold his office until the first Tuesday after the first Monday in January, A. D. 1909; another to be designated in like manner until the first Tuesday after the first Monday in January, A. D. 1909, and the third until the first Tuesday after the first Monday in January, A. D. 1911. Successors to the two remaining Justices now in office shall be elected at the general election immediately preceding the expiration of their respective terms of office; so that two Justices shall be elected at every general election thereafter for terms of six years, to begin on the first Tuesday after the first Monday in January after their election. The Chief Justice shall be designated by lot by the Justices composing the court, and shall be such during his term of office; Pro-

vided, however, The present Chief Justice shall remain such during his term of office. (Chapter 6169 (No. 50), Laws of Florida, approved June 3, 1911, reduced the number of Supreme Court Justices to five.)

Sec. 174. *Election of Representatives to Congress and Presidential Electors.*—A representative to the Congress of the United States shall be elected in and for each Congressional District of this State at every general election. Electors of President and Vice-President of the United States shall be elected on the first Tuesday after the first Monday in November, A. D. 1908, and on the same day every four years thereafter. (For election of United States Senator, see Chapter 6471 (No. 51), Laws of Florida.

Sec. 175. *Special Elections.*—Special elections shall be held in the following cases:

First. Where there has been no choice of any officer who should have been elected at a general election.

Second. When a vacancy shall occur in the office of State Senator or Member of the House of Representatives of this State. But in case of vacancy in the office of State Senator or Member of the said House of Representatives, a special election shall not be held unless a session of the Legislature shall be held after the vacancy occurs and before a general election.

Third. When a vacancy shall occur more than three months after a general election, in the office of Representative to the Congress of the United States, or in any other office that the Governor shall not be authorized to fill by appointment. But if any vacancy shall occur at a time not more than three months before a general election, the Governor may, in his discretion, order a special election to fill the same.

Fourth. When it shall be necessary to elect Presidential Electors, by reason of the offices of President and Vice-President both having become vacant.

(For special election of United States Senator, see Chapter 6471 (No. 51), Laws of Florida.

Sec. 176. *Notice of General Elections.*—The Secretary of State shall, between the first days of July and September in any year in which a general election shall be held, make out and cause to be published, at least sixty days prior to the day of holding the election, in one or more newspapers printed at the State Capital, at least once a week until the election, a notice stating what offices and vacancies are to be filled at such general election in the State, and in each county and district thereof, and shall send to the Sheriff of each county a notice of the offices and vacancies of each county to be filled at such general election by the qualified voters of his county, or any district thereof, and the Sheriff shall cause a copy of such notice to be published weekly in a newspaper printed in his county, if there be one in the county, and if there be no such paper printed in his county, he shall cause at least five copies of such notice to be posted in the most conspicuous and public places in the county.

Sec. 177. *Notice of Special Elections.*—Whenever a special election for any office is required to be holden, the Governor shall make an order declaring on what day the same shall be held and deliver the same to the Secretary of State, whereupon the Secretary of State shall publish notice of the election to be holden therefor in one or more newspapers published weekly at the State Capital, for not less than fifteen days nor more than forty days prior to said election, containing notice of the vacancy or vacancies to be filled, and of the county or counties in which election are to be held therefor, and the Secretary of State shall also deliver to the Sheriff of such county or counties, in which such special elections are to be held, a notice of the time of election and the offices to be filled by the voters of their respective counties, or any district thereof, and the Sheriff shall cause a copy of such notice to be published weekly in some newspaper printed in his county, if there be such a newspaper, and if there be no such paper printed in his county, he shall cause at least five copies of such notice to be posted in the most public and conspicuous places in the county.

Oath

Sec. 178. *Oath and Identification of Elector for Registration.*—Upon application for registration each elector shall be required to take and subscribe the following oath: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and of the State of Florida; that I am twenty one years of age and have been a resident of the State of Florida for twelve months, and of this county for six months; that I am a citizen of the United States, and that I am qualified to vote under the Constitution and laws of the State of Florida." The Supervisor of Registration and district registration officers provided for are hereby authorized and required to administer this oath, and the elector shall also be required, under oath, to be administered by the registration officer to give such description of himself as will be sufficient to clearly identify his person with the act of registration.

Sec. 179. *Supervisor of Registration and District Registration Officers.*—Upon the expiration of the term of office for which each Supervisor of Registration of electors has heretofore been appointed in each county, and every two years thereafter, the Governor shall appoint, subject to removal by him at any time, one competent, discreet and fair-minded person in each county, who shall be a qualified elector thereof, to be known as the Supervisor of Registration of electors in said county. Such Supervisor shall hold his office for two years, and until his successor shall be appointed and qualified. He shall keep his office at the county site, and shall have exclusive charge of the registration of electors, and for this purpose shall open and keep books suitable for such registration of electors in each election district in such county. He shall appoint, subject to removal at any time by him, a district registration officer of each election district in his county, whose duty it shall be to attend to the registration of electors in such district as hereinafter provided. The Supervisor of Registration shall not be eligible for any other office until six months after ceasing to be such Supervisor.

Sec. 180. *Supervisor to Take Oath and Give Bond—Compensation.*—Each Supervisor shall, before entering

on the performance of his duties, take the oath prescribed by Section 2, Article XVI, of the Constitution, and shall give a bond to the Governor of the State in the sum of five hundred dollars, with two sureties, to be approved by the Board of County Commissioners of his county, conditioned for the faithful discharge of his duties as such Supervisor. The compensation of such Supervisors shall be such sum or sums in proportion to the amount of work to be done as may be fixed and allowed by the Board of County Commissioners in each county respectively; Provided, That the compensation of no Supervisor shall be less than one hundred (\$100.00) dollars per annum. The district registration officers shall be paid for their services by the respective counties such sum or sums as may be fixed and allowed by the Board of County Commissioners in each county respectively, after the Supervisor of Registration shall have certified to the amount of service performed by each of such district registration officers.

Sec. 181. *Supervisor May Remove District Registration Officer.*—Each Supervisor shall have power at any time to remove any district registration officer within his county whenever he deems proper, and such district registration officer, when so removed, shall on demand, surrender to such Supervisor all books and papers connected with his office. Each district registration officer shall, before entering upon the performance of his duties, make oath in writing, before any officer authorized to administer oaths, that he will well and faithfully perform the duties of his office, which oath shall be transmitted to the Supervisor of Registration, and preserved by him.

Sec. 182. *To Deliver Books and Papers to Successor.*—Upon the removal of any Supervisor of Registration of Electors, it shall be his duty to immediately and promptly deliver over to his successor all the books and papers and blanks belonging to his office or connected therewith in any way.

Sec. 183. *Time of Registration and Office Hours.*—The Supervisor of Registration shall keep the registra-

tion books of the county open at his office at least three days in each week, and oftener if the County Commissioners shall so order, from 9 o'clock a. m. to 12 m. and from 2 o'clock p. m. until 5 p. m., from the first Monday in August in each year in which there is any general election, for the registration of electors. And he shall give notice, by publishing in a newspaper printed in his county for two consecutive weeks immediately preceding the time of opening his books, naming the days of the week he will keep his books open. The district registration officers, hereinbefore provided for, shall keep the registration books for such district open at some convenient place therein for the purpose of registration at least two days in each week, from 9 o'clock a. m. to 12 m. and from 1 o'clock p. m. to 7 p. m. from the first Monday in September until the second Saturday of the month preceding the day in each year in which there is any general election. He shall give notice, by posting in three conspicuous places in his district, naming days of the week his books will be open, and at what particular building or dwelling he will be. During the time that the district registration officer is registering voters he may register in one book and the Supervisor in another. The registration books of each county shall be closed on said second Saturday of the month preceding the day in each year in which there shall be a general election. And no person shall be allowed to register at any other time than during the period herein provided for the opening of said books for registration of electors.

Sec. 184. *Registration and Election Districts.*—Each election and registration district, voting place or precinct in this State, as now laid out, defined and fixed, is hereby recognized and continued; but the Board of County Commissioners in each county are hereby empowered, at any time prior to the first day of July in any year in which there shall be a general election, to alter or change the same, or to create new districts, designating each district by number, and at the most suitable point in each district to establish a voting place or precinct, at which voting place or precinct there shall be a polling place, as herein-after provided, which said voting place or precinct shall not thereafter be changed without the consent of four

members of the Board of County Commissioners, in meeting assembled.

Sec. 185. *Description of Election Districts To Be Recorded.*—Within ten days after there shall be any change in the division, number or boundaries of the election districts as now established, or of the location of the voting places or precincts, it shall be the duty of the County Commissioners in each county in which there shall be any such change to make in writing an accurate description of any such new or altered election districts, setting forth the boundary lines thereof, so as to designate accurately the limits of each district that has not already been clearly defined and established, and they shall at the same time name and clearly define and describe in writing the voting place or precinct which they shall have established in any such new or altered election district or in any district in which they may change the voting place or precinct, which they shall have established in any such new or altered election district—or in any district in which they may change the voting place or precinct, and they shall forthwith cause the same to be recorded in the registry of deeds in the office of the Clerk of the Circuit Court for such county.

Sec. 186. *Publication.*—On recording the aforesaid designations and descriptions of said election districts and voting places or precincts, the said County Commissioners shall publish the same for not exceeding four weeks in some newspaper published in the county, and if there be no newspaper published in said county, they shall post a plainly written or printed copy of said descriptions and designations at the court house of such county, in a conspicuous place, and also at three public places in the district changed or altered.

Sec. 187. *Publication of List of Qualified Voters.*—The Supervisor of Registration of the several counties of this State shall have published, within fourteen days after the second Saturday in the month preceding the day in which any general election is held, a certified list of the registered and qualified electors of each election district wherein such election shall be held.

Sec. 188. *Secretary of State to Furnish Books and Blanks.*—It shall be the duty of the Secretary of State to cause a sufficient number of registration books, blank oaths for registration, certificates of registration, application for renewal of certificates, certificates of transfer, and other blanks required to be used under this act, to be prepared so that there shall be three of said registration books for each election district in each county, which registration books shall, at the top of each page, have written or printed the oath required by the Constitution to be taken by electors at the time of registration, and shall be ruled in columns, with proper headings, so as to indicate the name, age, color, occupation and place of residence, including the street, lot and block of any town or city, and the date of registration of each elector and the number of the certificate that may be issued to him, with a separate column at the right side of each line for such notes and entries as may from time to time be necessary to put opposite any name; Provided, That outside of towns and cities the residence may be designated by number of quarter section or convenient subdivision thereof. The pages of said book shall be alphabetically arranged and numbered, and the lines in each page shall be numbered, and the names thereon shall be alphabetically registered.

Sec. 189. *Requisition for Books and Blanks.*—Upon requisition of the County Commissioners of any county, the Secretary of State shall furnish them the required number of said books and blanks, which the County Commissioners shall deliver to the Supervisor of Registration of their respective counties.

Sec. 190. *Supervisor of Registration to Make 'Up Books.*—Immediately upon the expiration of the time for registration at the several precincts, each district registration officer shall promptly deliver his book and all blanks left in his possession to the Supervisor of Registration at the county site, and thereupon the Supervisor of Registration shall proceed to make up the registration books for the several districts in his county, so that three registration books for each election district shall exactly correspond and be as nearly as may be a duplicate the

one of the other. Such books shall be so marked on the backs thereof as to designate clearly to which election district they belong, and one of the said books for every election district shall be marked by the Supervisor on the back thereof with the words "Office Copy," and which office copies shall at all times be kept by the Supervisor in his office. The original registration books used by the district registration officials shall also, after being returned by them, be kept by the Supervisor in his office.

Sec. 191. Registration Certificates.—Each elector, upon being registered, shall be furnished by the registration officer with a certificate of registration, which certificate, issued by the Supervisor, shall be numbered in each district for which they are issued, by consecutive numbers, in the order in which they are issued by him, which certificates shall contain a statement of the full name, age, color, height, occupation, place of residence and date of registration, as entered in the registration books, which certificates shall be signed by the registration officer.

Sec. 192. Voters Must Be Registered in District.—No person shall be allowed to vote in any other election district than the one in which he is registered; nor shall any person whose name does not appear upon the registration books be allowed to vote; Provided, That when the name of any one who has duly registered does not appear on the registration books of the election district in which he is registered, and in which he resides, such person shall, on making satisfactory proof to the Supervisor of Registration of the fact of his previous registration, and that his name has been improperly omitted from the said books, be entitled to have his name restored to said books, on application to the Supervisor of Registration, and shall thereupon receive from such Supervisor a certificate of registration similar to that hereinbefore provided for, across the face of which shall be written in red ink the words "Restoration Certificate," by the Supervisor of Registration, on the production of which, at the proper polling place of the proper election district, he shall be entitled to vote, even though his name does not appear on the registration books of such district; Provided, Said certificate of registration properly identified him to the

managers of the election. The certificate of registration shall be the following form:

Registration Certificate No.

State of Florida,

..... County.

Election District No.

The bearer..... is at the date hereof a qualified elector in the above district. He resides at is years of age, by occupation a He is feet inches in height; his color is and he is entitled to vote in said district, unless hereinafter disqualified. Registered on this day of A. D. 19.....

.....
Supervisor of Registration for said County.

Sec. 193. *Certificate of Transfer.*—The certificate of transfer to be used in cases of transfer from one election district to another shall be of the following form:

Transfer of Registration Certificate No.

State of Florida,

..... County.

Election District No.

The bearer....., is at the date hereof a qualified elector in the above district. He resides at is years of age, by occupation He is feet inches in height; his color is and he is entitled to vote in said District No., where he formerly resided.

Transferred on this day of A. D. 19.....

.....
Supervisor of Registration for said County.

Sec. 194. *New Registration Books.*—Whenever it may be necessary, the Supervisor of Registration of any county shall transfer and transcribe into new registration books, from whatever registration books may be in possession of such Supervisor, the names of all electors who appear upon said old books, to be properly and legally registered

electors thereon at the time of such transfer to said three new books, taking care that the names of all the electors shall be transcribed only in the books of the election district to which such electors belong.

Sec. 195. *When Books To Be Closed.*—At the end of the time provided by this act for the registration books to be kept open by the Supervisor of Registration the said books shall be closed and shall not again be opened for registration until after the next succeeding general election except as herein provided and the Supervisor of Registration shall attach his certificate to each of said three registration books, certifying that they have been examined and revised by him, and that he has caused such registration to be made in compliance with the Constitution and laws of the State of Florida, fairly and impartially, to the best of his ability, and such books or lists of names so certified, with such additions, corrections, erasures and revisions as may from time to time, in conformity to law, be made to or of the same shall constitute the registration books and lists of such county.

Sec. 196. *Custodian of Registration Books.*—The Supervisors of Registration of Electors in the various counties shall be the official custodians of the books of registration, and they shall have the exclusive control and management of all matters pertaining to the proper registration of electors at all times. Whenever it shall come to the knowledge of the Supervisor of Registration that any elector has died or become disqualified to vote by reason of conviction of any disqualifying crime, or from any other cause, or has removed from the county or from one election district to another in the county without obtaining a certificate of transfer, or that his right to vote has become in any wise affected since his resignation, it shall be the duty of said Supervisor to make a note of such fact on the proper registration books opposite the name of such person, and to mark off the names of such persons as have so ceased to be qualified electors by running a pen through the name of each person on such books, and in such cases the Supervisor shall carefully note in said books the date of such erasure, and in no case shall the inspectors or managers of any election allow any person

to vote whose name shall appear on the books to have been struck off or erased, whether such person shall have a certificate of registration or not, unless he produces or exhibits to such managers a proper certificate signed by the Supervisor of Registration, showing that he has been properly restored to said books subsequent to the date of said erasure of his name from said books.

Sec. 197. Names May Be Restored to Registration Books.—All additions to, corrections and other entries in, and all erasures of names, and the causes and dates thereof, shall be made by the Supervisor in all three of the registration books belonging to each election district in his county, so as to keep all three of said books at all times as near as may be duplicates the one of the other; Provided, That when the name of any elector shall have been wrongfully or erroneously erased, the same shall be restored by the Supervisor of Registration on application and proofs to him, or may be restored by order of the Board of County Commissioners, if the Supervisor, on application and proofs, fails to do so.

Sec. 198. Renewal of Registration Certificate.—Every elector shall have the right to a renewal of his certificate of registration without fee or charge when the same becomes defaced by time or accident, upon his surrendering such certificate so defaced to the Supervisor of Registration. Any elector who may lose his certificate of registration shall be entitled to a renewal thereof by the Supervisor of Registration of the county in which such elector was registered, upon application therefor, and proof of the loss, in the following manner: He shall at any time before the next general election apply for a renewal of his certificate, stating under oath, to be administered by the Supervisor, the facts of his former registration and of such loss, and that he has not sold, bartered or parted with his certificate, and has not wilfully destroyed or lost it, which application the Supervisor shall examine into, and if the facts therein alleged shall be sustained to the satisfaction of the Supervisor, he shall issue to the applicant a renewal of his certificate, marking or stamping across its face the word "Renewal," and shall make the proper entry in the registration books of the fact of such renewal. The decision of the Supervisor in such

case if it shall be against the application shall be subject to revision by the Board of County Commissioners, if he be notified of such appeal to said board within three days after notice to the applicant of the rejection of his application.

Sec. 199. *Transfer Certificate From One District to Another.* In case of the removal of an elector from one district to another district in the same county such elector shall notify the Supervisor of Registration of such change of residence, and shall surrender his certificate of registration to such Supervisor, who shall at once enter the fact in the proper registration books, and shall give, without fee or charge, such elector a certificate of transfer of registration in accordance with such change of residence. If such person was registered before a certificate of registration was provided for by law, and therefore he has no certificate, he shall be entitled to have his name transferred as above provided for, and shall also receive the certificate of transfer as above provided for. In case of refusal or failure of any elector to notify the Supervisor of his removal of his residence, as in this section provided for, it shall be the duty of such Supervisor, upon the facts of such removal being brought to his knowledge, to erase the name of such person from the registration books, and to note therein the cause and date of such erasure. No elector, who, having been previously registered, shall have removed from one district to another in the same county, shall be allowed to register, nor shall he be allowed to vote by the managers of any election, without a certificate of transfer of registration as above provided.

Sec. 200. *County Commissioners to Examine and Revise Registration Books.*—It shall be the duty of the County Commissioners of each county, on the first Wednesday after the registration books are closed, as provided for in this article, in every year in which there is a general election, to examine and revise the registration books of said county, erasing therefrom the names of all such as have died, or removed from the county, or from one district to another in the same county, or who are otherwise disqualified to vote, and restoring such

names as have been improperly taken off by the Supervisor of Registration; said examination and revision shall be completed within three days thereafter, and immediately the County Commissioners shall cause to be published in a newspaper, if there be one published in such county, and also post at the court house door a list of the names alphabetically arranged, that have been erased or stricken from the registration books of each district in such county, either by the Supervisor of Registration or said Board of County Commissioners, and any person whose name shall have been wrongfully or erroneously erased or stricken off, and who shall within a time not less than ten days before the day of any general election, to be held in such county, make such fact appear to the satisfaction of said board, shall be entitled to have his name restored to the registration books, and the Supervisor of Registration, when so ordered by the Board of County Commissioners, shall restore such name or names to said books, with the date of replacement and entries as to how or why such restoration was made, and he shall, without charge, issue to said person or persons a new certificate or certificates of registration, as provided for in Section 198, and it is hereby made the duty of the County Commissioners of each county to hold such special meetings as may be necessary from time to time for carrying the provisions of this section into effect, and they are authorized to require the County Treasurer to pay such expenses as may be necessary in the performance of their duties; Provided, That in case any special election is held in any county of the State it shall be the duty of the Board of County Commissioners to hold a meeting at least fifteen days before said election and proceed to revise the registration list and give the notices as provided, as in cases of general election in this article.

Sec. 201. Inspector of Election To Be Furnished With a Copy of Registration Books. At each election the Supervisor of Registration shall furnish the inspectors of elections of each polling place in each election district with one of the registration books for such district, the Supervisor retaining in his office the other copy or duplicate of such books that he has marked "Office Copy," as provided in Section 196, for the care and custody of which

books so delivered to them, the inspectors receiving the same shall be responsible, and which books they shall return to the Supervisor of Registration within three days after the close of the election. The Supervisor of Registration shall not be authorized or required prior to any election to furnish copies of the registration books of his county or to allow indiscriminate handling or examination thereof by any one, but he shall at all times allow any elector to examine as to the status of his own name upon the books of the election district to which such elector may belong.

Sec. 202. *Poll Taxes.*—The Supervisor of Registration shall note on the Registration books, which he shall furnish to the inspectors of the different election districts, the names of all persons registered therein who shall have paid, on or before the second Saturday of the month immediately preceding the day of election, their poll or capitation taxes for two years next preceding the year in which such election is held as shown by the lists furnished to the Supervisor by the Tax Collector, and only such persons shall be deemed qualified voters authorized to vote at any general, special or municipal election; Provided, That no person shall be prevented from voting on account of not having so paid a poll tax, for any year which shall not have been lawfully assessable against him by reason of his not having been of age or was over the age of 55 years, or who has lost a limb in battle, and who shall have obtained from such Supervisor a certificate to that effect, and shall at the time of offering to vote exhibit such certificate to the inspectors of election. And it shall be the duty of such Supervisor upon proof being made, to him to give such certificate to such person, without cost to such person, provided he is otherwise a duly qualified and registered voter.

Sec. 203. *County Commissioners to Prepare Ballot Boxes.*—The County Commissioners (or in case of a municipal election the city or town council) shall cause to be prepared or secured one ballot box for each polling place in their respective counties, of sufficient size to receive and contain all the ballots of the particular precinct or voting place for which it is intended, and it shall be plainly marked or labeled with the name of the election

district or precinct or number thereof for which it is intended. Before any general or special election they shall place in said ballot box twice as many official ballots, so printed by them, as there are registered qualified electors in said election precinct, and after securely locking said box, sealing up the keyhole thereof, and all other openings, shall send the key thereof, in a sealed envelope, to the inspector of election of said election district, together with the box. The custodian shall be placed under oath or affirmation to perform his commission faithfully and impartially, without favor or prejudice to any political party.

Sec. 204. *Tax Collectors To Be in Office for Receiving Poll Taxes for Certain Hours Preceding Election.*—The Tax Collector of each county shall in person or by deputy be present in his office from 9 a. m. to 1 p. m. and from 2 p. m. to 6 p. m. each day, Sundays excepted, for twenty days immediately preceding the second Saturday of the month preceding the day of any general or special election, for the purpose of receiving all poll taxes properly tendered to him, and he shall, as soon as practicable after receiving the same, give receipts therefor in due form of law. In which receipts shall be stated the color and age of the elector and the number of the election district in which such elector or person paying such poll tax resides. The Tax Collector shall make a list of those who have paid their poll taxes in each year prior to the second Saturday of the month preceding the day in any year in which any general or special election shall be held, and such list shall be alphabetically arranged. The Tax Collectors of the several counties of this State, within five days after the second Saturday in the month preceding the day in any year in which any general or special election shall be held, shall make a certified list in duplicate of all persons who have paid their poll taxes for the two years next preceding the year in which such election is held, prior to the second Saturday in the month preceding the day upon which such election shall be held, and one of said lists shall be delivered by the Tax Collector as soon as the same is completed to the Supervisor of Registration, to be filed in his office, and the other shall be forwarded to the Comptroller of the State of Florida, which he shall file in his office.

Sec. 205. *Appointment of Inspectors and Clerks of Election.*—For the purpose of carrying on and conducting all such general and special elections, it shall be the duty of the County Commissioners, in each county, at least twenty days prior to the holding of any general or special election therein, to appoint three intelligent, discreet and fair-minded inspectors of election, and a clerk of election, for each polling place in each and every election district in such county, all of whom shall be residents and registered and qualified electors of the election district for which they shall be appointed; all of whom shall not belong to the same political party. The County Commissioners in each county shall cause the names of such inspectors and clerks of election to be published in a newspaper published in such county, if there be a newspaper printed in the county, or posted in a conspicuous place at the court house, if there be no newspaper printed in the county, for at least fifteen days before the day of holding any general or special election in such county.

Sec. 206. *Compensation of Inspectors and Clerks.*—Inspectors and clerks of any special or general election of any county shall be paid for their services by their respective Board of County Commissioners, and the inspectors who carry the returns of such elections to their county seat and properly deliver them shall receive two dollars per day, and five cents per mile each way while performing such duties. No elector who cannot read and write the English language shall be appointed inspector or clerk of election.

Sec. 207. *Filling Vacancies, Oaths, Majority To Control, Etc.*—In case of the absence or refusal to act of any of the inspectors or clerks of election appointed by the Board of County Commissioners for any district or polling place, the qualified electors present favoring the ticket which the absent inspector, inspectors or clerk had been chosen to represent, shall choose from among their number one inspector, inspectors or clerk as will, together with the inspector, inspectors or clerk present, constitute a board of four; Provided, The inspector, inspectors or clerk so chosen shall (if any such be present) represent the same political party that the absent inspector, inspectors or clerk would represent if present, and the person or

persons so chosen shall be authorized to act as inspectors or clerk of the election at the polling place where they may be chosen, and said inspectors and clerk shall each take and subscribe an oath or affirmation, which shall be written or printed, to the effect that they will perform the duties of inspectors and clerk of election according to law, and will endeavor to prevent all fraud deceit or abuse, in conducting the same.

Such oath may be taken before any officer authorized to administer oaths, or before either of the persons who are to act as inspectors, one of them to swear the others, and one of the others thus sworn in turn to administer the oath to him who has not been sworn, and such oath shall be returned with the poll list, and the returns of the election to the Supervisor of Registration. One of the inspectors shall be chosen by them as chairman of their board.

(In any and all questions that may arise before said inspectors of election, the decision of a majority of them shall decide such question.)

Sec. 208. *Polling Places.*—There shall be in each and every election district in each county one polling place, presided over and managed by a board of inspectors and clerk of election, as provided for by law. At each of said polling places a space, such as the inspectors of election shall deem fit and sufficient, shall be railed off and constructed, with an opening at one end or side for entrance of the voter and an opening at the other for his exit, as a polling place in which to hold the election. But one voter shall be allowed to enter any polling place at a time, and no one except the inspectors of the election shall be allowed to speak to the voter while in the polling place casting his vote and no inspector shall speak to or interfere with any voter concerning the manner of his voting or any ballot he may vote, otherwise than to perform his duties as such inspector specified herein.

Sec. 209. *Time of Opening and Closing the Polls.*—The polls shall be opened at such voting places at 8 o'clock a. m., on the day of the election, and shall be kept open until sundown of the same day, the time to be observed for such opening and closing of the polls to be regulated

by the customary time in standard use in such locality. The inspectors may, however, adjourn between 12 and 1 o'clock for half an hour. The inspectors shall make public proclamation of the opening and closing of the polls, and the midday adjournment. During the adjournment the ballot box shall be kept in the possession of, and in view of two of the inspectors, who shall not have the key thereof, and during the election and canvass of the vote the ballot box shall not be concealed from the public.

Sec. 210. *Secret Ballot.*—In all elections hereafter held in this State on any subject which may by law be submitted to a vote of the people, and for all, or any State, county, district, or municipal officers, the voting shall be by secret official ballots printed and distributed as hereinafter provided, and no ballot shall be received or counted in any election to which this act applies, except it be provided as herein prescribed.

Sec. 211. *Pay for Printing Ballots.*—The printing and delivery of ballots and cards of instruction to voters hereinafter prescribed shall in municipal elections be paid for by the several cities or towns respectively, and in all other elections by the several counties respectively.

Sec. 212. *County Commissioners or City or Town Council to Print Names of Candidates on Tickets, Etc.*—The Board of County Commissioners (or in case of a municipal election the city or town council) of each county shall cause to be printed on the ballots to be used in their respective counties the names of all candidates who have been put in nomination by any caucus, convention, mass-meeting, primary election or other assembly of any political party or faction in this State and certified and filed with them not more than sixty nor less than twenty days previous to the day of election, which certificate shall contain the name of each person nominated, and the office for which he is nominated, and shall be signed by the presiding officer and secretary of such caucus, convention, mass-meeting or other assembly, or by the canvassing board of such primary election, and be duly acknowledged by one or more of them before any officer authorized by law to take the acknowledgements. The Board of County Commissioners (or in case of a municipi-

pal election, the city or town council) shall also cause to be printed upon said ballots the name of any qualified elector who has been requested to be a candidate for any office by written petition signed, in case of a candidate for a State or Federal office, by at least five hundred electors, in case of a county or municipal office by at least twenty-five qualified electors to vote in the election to fill said office, when such petition has been filed with them not more than sixty days nor less than twenty days previous to the election. And in addition to the names printed upon said ballot, and whether there be any names printed on said ballots or not, there shall be printed under each office to be voted for at the election, blank lines in number equal to the number of persons who may be elected to fill that office.

Sec. 213. When Name Not To Be Printed on Ticket.

The name of no person shall be printed on the ballot who shall, not less than twenty days before the election, notify the Board of County Commissioners, in writing, acknowledged before an officer authorized by law to take acknowledgments, that he will not accept the nomination specified in the certificate of nomination or request of electors.

Sec. 214. Substituting Candidate.—When any person who has been regularly nominated and who shall decline to run for the office to which he has been nominated, the party by which such person was nominated shall be allowed five days after such declination to run by such person, in which to substitute another candidate.

Sec. 215. Secretary of State To Certify Nominations.—In case of any person to be voted for by the electors of the whole State, or of any entire Congressional District, such certificate of nomination shall be filed in the office of the Secretary of State not less than thirty days before the day of election, and such Secretary of State shall thereupon immediately certify to the Board of County Commissioners of each county in the State in case of an officer to be voted for by the electors of the whole State and to the Board of County Commissioners of the counties composing the Congressional District in case of an officer to be voted for by the electors of such district, upon suitable blanks to be prepared by him for that pur-

pose, the fact of such nomination and the name of the nominee or nominees, and the name of the office to which he or they may be nominated, and the name of such person shall be printed by the Board of County Commissioners upon the ballot in its proper place in all respects as herein provided for nomination filed in the office of the Board of County Commissioners.

Sec. 216. *Preservation of Certificates and Petitions of Nominations.*—The Board of County Commissioners shall cause to be preserved in the office of the Clerk of the Circuit Court all certificates and petitions of nominations filed therein under the provisions of this act for six months after the election for which such nominations are made.

Sec. 217. *Order of Titles and Names on Ballots.*—The ballots printed in accordance with the provisions of this act shall contain the names of all candidates nominated as hereinbefore provided who have not declined. The names of all candidates for the same office shall be printed together, irrespective of party. But the order in which the titles to the several offices to be filled shall be arranged upon the ballots, shall be left to the discretion of the officer charged with the printing of the said ballots.

Sec. 218. *Constitutional Amendment.*—Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of each amendment or other public measure shall be twice in the same language indicated upon the ballot after the list of candidates, followed in one case by the word "yes," and in the other case by the word "no." (Chapter 5405, Appendix.) Section 1. Whenever an amendment or amendments to the Constitution of this State are to be voted upon at any election the County Commissioners of each and every county in this State shall have any such amendment or amendments printed in clear and legible type and a copy thereof conspicuously posted at each voting precinct in such county upon the day of election. Such printed amendments to be furnished by the County Com-

missioners by the Secretary of State. Sec. 2. Nothing in this act shall be construed as repealing the law requiring constitutional amendments to be published in a newspaper in each county of the State.

Sec. 219. *Directions for Printing, Etc., of Ballot.*—All ballots provided by the Board of County Commissioners of any county for an election shall be alike, printed in plain type in straight lines, upon plain white paper so thick that the printing cannot be distinguished from the back, with a slender line between each name, and extending sufficiently to the left of the names to easily permit marking before each name a cross mark (X), and in the appropriate place the words, "vote for one" (or two, or other number, as the case may be), to indicate the numbers which may be elected to each office, and shall be substantially in the form prescribed in Section 220 (except that the order in which the several offices to be filled are stated, may be varied). Provided, That nothing in the section shall be construed to prohibit the names of the several candidates for National, State and County offices and other matters to be voted on being printed in the same order as now and in one or more columns on the same ballot.

Sec. 220. *Form of Ballot.* Official ballot, election A. D. 190— (year to be printed). Precinct No..... County (Precinct and county to be printed). (Make a cross mark (X) before the name of the candidate of your choice.)

For Governor.

Vote for one:

William Jones.

John Smith.

For Secretary of State.

Vote for one:

William King. ☒Thomas Moore. ☐James Simpson. ☐*For Sheriff.*

Vote for one:

Thomas Jones. ☒George Smith. ☐James White. ☐*For Representative in General Assembly.*Vote for one (or more as
the case may be):William Daniels. ☐Jone Doe. ☐*Constitutional Amendment,*

Article....., Section.....

Yes. ☐No. ☐*Constitutional Amendment,*

Article....., Section.....

Yes. ☐No. ☐

Sec. 221. *Ballots To Be Fastened Together.*—All ballots for use in each precinct or ward shall be fastened together in convenient numbers in books or blocks, in

such manner that each ballot may be detached and removed separately. Each ballot shall have attached to it a stub with perforated lines of sufficient size to enable one of the inspectors to write or stamp his name or his initials thereon, and so attached to the ballots that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

Sec. 222. *Number of Ballot for Each Voting Place.*—There shall be provided for each voting place at least one hundred ballots for each fifty registered qualified electors at said polling place.

Sec. 223. *Booths.*—The County Commissioners of each county (or in case of a municipal election, the Mayor or other chief executive officer), shall provide at each polling place a room or covered enclosure, and in such place or covered enclosure shall provide booths or compartments, one booth or compartment for each one hundred or fraction of one hundred over fifty qualified electors registered for that election, and furnish each with a shelf or table for the convenience of electors preparing their ballots. Each booth or compartment shall be so arranged that it will be impossible for one elector at a shelf or table in one compartment to see an actor at a shelf or table in another compartment in the act of marking his ballot. Each voting table or shelf shall be kept supplied with conveniences for marking the ballots.

Sec. 224. *Public Excluded from Voting Place.*—No person shall be permitted under any pretext whatever to come within fifteen feet of any door or window of any polling room from the opening of the polls until the completion of the count of the ballots and certificates of returns, except as herein provided.

Sec. 225. *Instructions for Electors.*—The Board of County Commissioners (or in case of a municipal election, the city or town council) of each county shall cause to be printed in arge type on cards. instructions for the guidance of electors in preparing their ballots. They shall furnish to the inspectors twelve or more if neces-

sary, such cards for each precinct or ward, and it shall be the duty of the inspectors to post one of such cards in each booth or compartment for the preparation of ballots, and not less than three in prominent places elsewhere and outside of the polling place on the day of election. Said cards shall be printed in large, clear type and shall contain full instructions to electors, as to what shall be done. First, to obtain ballots for voting; second, to prepare the ballot for deposit in the ballot box; third, to obtain a new ballot in the place of one accidentally spoiled.

Sec. 226. *Not To Go Within Fifteen Feet of Polling Places.*—Except as electors are admitted, one at a time, to vote, and except the Sheriff or his deputy, the inspectors and clerks of election, and as many electors as there may be booths or compartments, no person shall be permitted within fifteen feet of the polling place. No Sheriff, deputy sheriff or city policeman shall enter the polling place without permission from a majority of the inspectors of the election, except to cast his own ballot.

Sec. 227. *Challenges.*—When the right to vote of any person who demands to be permitted to vote is questioned by an elector, the said challenge shall be communicated to the inspectors before the person is permitted to vote the Sheriff, or some other officer or person in attendance and in charge of admission to the polling place, when his right of vote must be determined as required by law.

Sec. 228. *To Occupy Booths Alone and for Only Five Minutes.*—No elector, while receiving, preparing and casting his ballot, shall occupy a booth or compartment for a longer time than five minutes. No elector shall be allowed to occupy a booth or compartment already occupied by another, nor to speak or converse with any one, except as herein provided, while in the polling place.

Sec. 229. *To Enter Polling Places for Voting Only.*—After having voted, or declined or failed to vote within five minutes, the elector shall immediately withdraw from the place and go beyond the prohibited distance, and shall not enter the polling place again.

Sec. 230. *Voting.*—Each elector upon entering the polling place shall be given one ballot by the inspectors. Before delivering the ballot to the elector, at least one of the inspectors shall write in his own hand his initials or name on the stub attached to the ballot. On receiving the ballot, the elector shall forthwith, and without leaving the polling place, retire alone to one of the booths or compartments provided for that purpose, and there prepare his ballot by marking with pen and ink or pencil, in the appropriate margin or place, a cross mark "X" before the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and marking the cross mark "X" in the appropriate margin, and likewise by marking the cross "X" before the answer he desires in case of a constitutional amendment or other question submitted to a vote of the people.

Sec. 231. *Who May Have Assistance in Preparing Ballot.*—Any elector applying to vote who by reason of blindness or the loss of the use of his hand or hands is unable to prepare his ballot, may have the assistance of the inspectors in the preparation of his ballot, who shall retire to a booth or compartment with the elector and there prepare the elector's ballot, so as to indicate the elector's declared choice of candidates as to each office to be filled, without suggestion or interference from inspectors. But in all cases any elector before retiring to the booth as provided in this section may have one of the clerks of the election to read over to him the titles of the offices to be filled and the candidates therefor.

Sec. 232. *Elector Declaring His Choice.*—Before any elector applying for assistance in the preparation of his ballot, as provided for in the preceding section, shall be required or permitted to declare his choice of candidates, all electors, including those in the booths or compartments, after voting shall be required to withdraw from the voting place.

Sec. 233. *Spoiled Ballots.*—Any elector who shall by accident or mistake, spoil a ballot so that he cannot conveniently or safely vote the same, may return it to the

inspectors, who shall immediately detach the stub and destroy, without examination, the ballot so returned, and shall give to the elector another ballot in lieu thereof but in no case shall an elector be furnished with more than three ballots. In no case shall any person be permitted to carry a ballot outside of the polling room. A record shall be kept by the clerk of election of all ballots destroyed, as herein provided for.

Sec. 234. *Depositing Ballot.*—After preparing his ballot the elector shall fold the same so as to conceal the face thereof and show the stub thereto attached with the name or initials of the inspector, and hand it to the receiving inspector, who shall detach the stub therefrom and return the ballot to the elector, who shall deposit the ballot in the ballot box in the presence of the inspectors. All stubs detached from ballots as provided for in this section shall be numbered consecutively and filed by the inspectors.

Sec. 235. *Marking More Names Than Persons To Be Elected.*—If the elector marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the elector's choice for any office to be filled, his ballot shall not be counted for such office, but this does not vitiate the ballot, so far as properly marked, and nothing herein shall be construed to prevent any elector from voting for any qualified person other than those whose names are printed on the ballot.

Sec. 236. *Clerk to Keep List of Those Voting.*—When any person shall have voted, his name shall be checked on the margin of the page opposite thereto upon the registration books by one of the inspectors, and the clerk of election shall keep a poll list, which shall contain one column headed "names of voters," and the name of each elector voting shall be entered by the clerk in such column as he votes. And the inspectors of election shall have the authority and power to prevent all repeating, and to prevent any person from voting a second time at the same election when they have good reason to believe such person has already voted. They shall have full power to refuse to allow any person to vote who is not a qualified

elector, or who has become disqualified for any cause to vote in such election district. They may also prevent any elector from consuming more time than five minutes in voting. But no inspector shall examine, read or handle the ballot being voted or about to be voted by an elector, or interfere in any way with the voting of any elector otherwise than is herein provided.

Sec. 237. *Inspectors to Maintain Good Order.*—The inspectors shall possess full authority to maintain good order at the polls, and enforce obedience to their lawful commands during an election, and during the canvass and estimate of the votes.

Sec. 238. *Deputy Sheriff at Each Polling Place.*—There shall be at each polling place in each election district a deputy sheriff, to be deputed for such purpose by the Sheriff of the county, who shall be required to be present during the whole time that the polls are kept open, and until the election is completed, who shall be subjected to all lawful commands of the inspectors, and who shall see that there is no interruption of good order. Such deputy shall have power, when necessary to maintain the peace, to summon a posse from among the bystanders to aid him in maintaining the peace and good order at the polls.

Sec. 239. *Sheriff and Other Officers Not Allowed in Polling Places.*—No Sheriff, deputy sheriff, policeman or other officer shall be allowed to come within the polling place unless summoned into the same by a majority of the inspectors. On failure of any Sheriff, deputy sheriff, policeman or other officer to comply with the provisions of this section, it shall be the duty of inspectors of election, or one of them, to make affidavit against such Sheriff, deputy sheriff, policeman or other officer for their arrest.

Sec. 240. *Barrooms To Be Closed.*—All barrooms, saloons and other places for the sale of liquors by retail shall be closed at 6 o'clock of the evening preceding the day of any election, and shall remain closed until 6 o'clock in the morning of the day thereafter. And during the time aforesaid, the sale of all intoxicating liquors is prohibited.

Sec. 241. *Canvass of Ballots.*—At the close of the election at each polling place in each election district the inspectors and clerk shall immediately proceed to open the ballot box, and, in the presence of the public, if there be any present who desire to witness said canvass, count the ballots therein, and continue said count without adjournment or interruption until the same is completed. The ballots shall be first counted, and if the number of ballots shall exceed the number of persons who shall have voted, as may appear by the poll list kept by the clerk, and by the stubs detached by the inspectors, the ballots shall be replaced in the box and one of the inspectors shall publicly draw out and destroy, unopened and unexamined, as many of such ballots as shall be equal to such excess. If two or more ballots shall be found folded together, so as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed, and if, upon comparison of the count, and the appearance of such ballots, a majority of the inspectors shall be of the opinion that the ballots thus folded together were voted by one person, such ballots shall be destroyed.

Sec. 242. *Proclamation of Result and Returns.*—The canvass being completed, the result shall be publicly proclaimed. Duplicate certificates of the result of such election shall be drawn up by the inspectors or clerk at each and every election district, which shall contain in words written at full length the name of each person voted for for each office, and the number of votes cast for each person for such office, and if any question shall be submitted to an election, such certificate shall also contain the number of votes cast for and against such question, which certificate shall be signed by the inspectors and clerk, and one of such certificates shall be by one of the inspectors delivered, without delay, securely sealed, to the Supervisor of Registration, and the other to the County Judge of the county; and the poll lists and oaths of the inspectors and clerks, together with all ballot boxes, ballots, ballot stubs, memoranda and papers of all kinds used by the inspectors and clerk in conducting such election shall also be transmitted, sealed up by the inspectors, with the certificates of the result of the election, to the Supervisor of Registration, to be filed in his office.

Sec. 243. *Canvass of Returns.*—On the sixth day after any election, or sooner if the returns shall have been received, it shall be the duty of the County Judge and the Supervisor of Registration to meet at the office of the said Supervisor of Registration, and take to their assistance the chairman or other member of the Board of County Commissioners, and in case of absence, sickness, refusal to act, or other disability of the County Judge or Supervisor of Registration, another member of the Board of County Commissioners, who shall be designated by the Chairman of said board, shall act in his place, who shall constitute and be the County Canvassing Board of Elections, and they shall publicly proceed to canvass the vote given for the several offices, and the persons as shown by the returns on file in the offices of such County Judge and Supervisor of Registration. Such canvass shall be made solely, exclusively and entirely from the returns of certificates of the inspectors in each election district, as signed and filed by them with the County Judge and Supervisor of Registration respectively, and in no case shall the Board of County Canvassers change or vary in any manner the number of votes cast for the candidates, respectively, in any polling place in the county, as shown by the returns of the inspectors of such polling place.

Sec. 244. *Certificate of Result of Canvass.*—They shall compile the result of the election, as shown by said inspectors' returns, and shall then make and sign duplicate certificates containing in words and figures, written at full length, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given for each person for such office. Such certificates shall be recorded by the Supervisor of Registration in a book to be kept by him for that purpose, which book shall be furnished by the Board of County Commissioners and shall be labeled "Record of Elections Returns," and one of such duplicates shall immediately be transmitted by mail or by express to the Secretary of State and the other to the Governor of the State. The Supervisor of Registration shall transmit by mail to the Secretary of State, immediately after the County Canvassing Board shall have canvassed the returns for State and county officers, a list giving the names

of all county officers elected, the office for which each was elected, with the postoffice address of such county officers-elect, in their respective counties.

Sec. 245. *Supervisor of Registration To Give Certificates to Persons Elected.*—In case any county officer shall be elected at any election, the Supervisor of Registration shall give to the person who shall be elected a certificate of his election, and the Supervisor of Registration shall give to any person desiring a copy of such returns from the record a certified copy thereof, or of such part thereof as may be desired, upon payment to him of the customary fees for copying and certifying papers in the office of the Clerk of the Circuit Court.

Sec. 246. *When Canvass Made in Certain Counties.*—For the counties of Monroe, Dade, Brevard, Manatee, Osceola and DeSoto, in case the returns of the election held in such counties shall not be received by the Judge and Supervisor of Registration within six (6) days after the close of any election, the county canvass shall be made as soon thereafter as said returns shall be received by the County Judge or Supervisor of Registration, and within twenty days after said election.

Sec. 247. *Persons Receiving Highest Number of Votes Elected.*—The person who shall receive the highest number of votes cast for one office shall be elected to such office. In case two or more persons shall receive an equal and the highest number of votes for the same office, another election therefor shall be held upon the order of the Governor, as in other cases of special elections.

Sec. 248. *Board of State Canvassers.*—On the thirty-fifth day after the holding of any general or special election for any State officer, member of the Legislature or Representative in Congress, or sooner if the returns shall have been received from the several counties wherein elections shall have been held, the Secretary of State, the Comptroller and the Attorney General, or any two of them, together with any other administrative officer of the executive department who may be designated by them, shall meet at the office of the Secretary of State, pur-

suant to notice to be given by the Secretary of State, and they shall be a Board of State Canvassers, and as such shall proceed to canvass the returns of said election and determine and declare who shall have been elected for such office, or as such member, as shown by such returns.

Sec. 249. *False and Fraudulent Returns.*—If any returns shall be shown or shall appear to be so irregular, false or fraudulent that the board shall be unable to determine the true vote for any such officer or member they shall so certify; and shall not include such returns in their determination, canvass and declaration. And the Secretary of State shall file and preserve in his office all such returns, together with such other documents and papers as may have been received by him, or by said Board of Canvassers. The said Board of State Canvassers shall canvass the returns for Presidential Electors and Representatives to the Congress of the United States separately and distinct from their canvass of the returns for the State officers and members of the Legislature.

Sec. 250. *What Certificates To Contain.*—They shall make and sign separate and distinct certificates of the result of the election for national officers and for said State officers, which certificates shall contain, in words written at full length, the whole number of votes given for each person for each office, and for the member of the Legislature and State Senator, and therein declare the result, which certificates, the one including the result of the election for Presidential Electors and Representatives to Congress, and the other including the result of the election for State officers, members of the Legislature and State Senators, shall be recorded in the office of the Secretary of State, in a book to be kept by him for that purpose. And the Secretary of State shall cause a certified copy of each of said certificates to be published once in one or more newspapers printed at the capital of the State.

Sec. 251. *Secretary of State To Make Certificate and Transmit to Person Elected.*—The Secretary of State shall make and transmit to each person chosen to any State office, immediately after the State canvass, a certificate showing the number of votes cast for each person for

such office, at such election, which certificate shall be prima facie evidence of his election to such office.

Sec. 252. *Presidential Electors and Representatives to Congress.*—When any person shall be elected to the office of Elector of President and Vice-President, or Representative in the Congress of the United States, the Governor shall make out, sign and cause to be sealed with the seal of the State, and transmit to such person, a certificate of his election to such office.

Sec. 253. *Blanks and Forms, and Election Laws.*—The Secretary of State is hereby required to cause to be prepared all proper blanks and forms for the use of inspectors of election and for county canvassers, conformable to the provisions of this chapter, and he shall, at least sixty days before any general election, transmit to the Supervisor of Registration of each County a sufficient number thereof for the several polling places in each election district within each county; and shall also have printed a sufficient number of the laws regulating general elections to supply the several counties and polling places in each election district in said counties, and transmit the same with the form aforesaid; and the Supervisor of Registration in each county shall furnish to the inspectors of election at each polling place at each election district in such county a sufficient number of such forms and copies of election laws for the use of such inspectors at the election.

Sec. 254. *Temporary Change of Polling Place in Case of an Epidemic.*—Nothing in this chapter shall be so construed as to prohibit the County Commissioners in any city or town in such county, at the time of holding any election in such county, from establishing at any safe and convenient point outside of such infected locality proper additional polling places for the electors resident in the infected district, at which polling places the electors of such infected district shall be allowed to vote, if properly qualified otherwise, and in such cases the registration books belonging in such infected districts shall be applicable to and shall be used at such polling places thus established.

PENALTIES.

3812. *Penalty for Destroying Booth.*—Any person who wilfully, during or before an election, removes, tears down, or destroys, or defaces any booth or compartment, or other convenience provided for the purpose of enabling the elector to prepare his ballot, or any card printed for the instruction of electors, shall be fined not less than ten or more than five hundred dollars.

3813. *Saloons To Be Closed.*—All barrooms, saloons, and other places for the sale of liquors by retail, shall be closed at 6 o'clock of the evening preceding the day of any election, and shall remain closed until 6 o'clock in the morning of the day thereafter. And during the time aforesaid, the sale of all intoxicating liquors is prohibited. Any person who shall be convicted of a violation of this section shall be punished by a fine not less than one hundred nor more than two hundred dollars, or by imprisonment not less than three months nor more than six months.

3814. *Penalty for Deceiving Elector in Preparing Ballot.*—Any inspector who shall wilfully deceive any elector in preparing his ballot shall, on conviction thereof, be imprisoned in the penitentiary not less than one nor more than five years.

3815. (2784.) *Changing Elector's Ballot.*—Whoever fraudulently and deceitfully changes the vote or ballot of any elector, by which such elector shall be prevented from voting such ballot, or for such person as he intended, shall be punished by imprisonment not exceeding six months, or by fine not exceeding one hundred dollars.

3816. *Penalty for Disclosing How an Elector Votes.*—Any inspector who shall disclose how any elector may have voted, unless upon a trial in a court of competent jurisdiction he may be so required, shall be fined not less than ten nor more than one hundred dollars.

3817. (2782.) *Calling Out Militia on Election Day.*—If any officer or other person shall call out or order out any of the militia of this State to appear and exercise on any day during an election, except in cases of invasion

or insurrection, or except in obedience to some civil magistrate to suppress riots or to enforce the law, he shall be fined not exceeding five hundred dollars, and be deprived of his office.

3818. *Penalty for Neglect of Duty by Deputy Sheriff, or Other Officer.*—Any deputy sheriff or other officer who shall wilfully neglect or refuse to perform any duty imposed on him by the laws of Florida relating to elections at the time or within the time therein specified, shall be punished by a fine of not more than five hundred dollars or by imprisonment not more than six months.

3819. *Violation of Duty by County Canvassing Board.*—Any member of the County Canvassers of Election who shall wilfully violate any of the provisions of law relating to canvassing the result of any election shall be punished by fine not less than two hundred and fifty dollars nor more than one thousand dollars, or imprisonment in the State penitentiary not more than three years.

3820. *Supervisor of Registration Failing to Deliver Books and Papers to Successor.* Any Supervisor of Registration who wilfully fails or refuses to promptly comply with the demand of his successor for the delivery of the registration books and papers and blanks connected with or belonging to his office, shall be punished by a fine not to exceed one thousand dollars or by imprisonment not exceeding six months.

3821. *District Registration Officer Failing to Deliver Books and Papers.*—Any district registration officer who shall wilfully fail or refuse to promptly comply with the demands of the Supervisor of Registration to deliver up the registration books and papers, shall be punished by fine not exceeding five hundred dollars or imprisonment not exceeding six months.

3822. *Tax Collector Failing to Report the Poll Tax Paid Him.*—Any Tax Collector or any deputy tax collector who shall fail or refuse to comply with Section 204, or with any of the provisions of the election law, shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year.

3823. *Penalty for False Certificate.*—Any person who shall falsely make or fraudulently destroy any certificate of nomination or any part thereof, or file any certificate of nomination, knowing the same, or any part thereof, to be false, or suppress any nomination which has been duly filed, or any part thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

2824. *Secretary of State Failing to Certify Nomination.*—The Serretary of State who shall wilfully fail or refuse to certify the nomination as provided by law shall be fined not more than one thousand dollars; and in event of such failure or refusal, such certificate shall be made by the State Comptroller.

3825. *Penalty for Officers After Being Sworn In.*—Any officer or officers after being sworn in who wilfully and knowingly neglects, fails or refuses to perform the duties prescribed in the laws regulating election, shall be fined not less than fifty nor more than two hundred dollars, or by imprisonment not less than sixty days, nor more than six months, unless otherwise provided by law.

3826. (2383.) *Corruptly, Etc., Influencing Elector.*—Whoever by bribery, menace, threat or other corrupt means or device whatsoever, either directly or indirectly, attempts to influence any elector in this State in giving his vote or ballot or to deter him from giving the same, or disturbs or injures him in the free exercise of the right of suffrage at any election within this State, shall be punished by imprisonment not exceeding six months or by fine not exceeding five hundred dollars.

3827. (2785.) *Destroying Ballots.*—Whoever on any day between the commencement of any election and the close of the canvass thereof by the inspectors, fraudulently destroys any of the ballots given and received at said election, or takes away or abstracts from any ballot box any of the ballots so given or received, or puts into such ballot box any ballots except such as are properly voted by the electors, or in any manner wilfully intermingles with the ballots which shall have been voted by the electors any other ballots, or tickets, which shall have not been duly received by the inspectors during the election,

shall be punished by imprisonment in the State prison not exceeding one year or by fine not exceeding five hundred dollars.

3828. (2786.) *False Swearing to Elector's Qualifications.* Whoever is guilty of wilful and corrupt false swearing, or affirming, when interrogated as to his qualifications as an elector, or when his testimony may be required in any contested election, or whoever wilfully and corruptly procures another person to swear or affirm falsely as aforesaid, shall suffer the pains and penalties of perjury.

3829. *Making False Declaration To Secure Assistance in Preparing Ballot.*—Any person who makes a false declaration under the provisions of law providing for assistance in the preparation of his ballot in any election shall be imprisoned in the penitentiary not less than one nor more than five years.

3830. (2787.) *Casting Illegal Ballot.*—Whoever casts knowingly an illegal vote at any election in this State held according to law, shall be punished by imprisonment in the State prison not exceeding six months, or by fine not exceeding one hundred dollars.

(Applies to Municipal elections.—Ex parte Senior, 37 Fla., 1; 19 So. Rep. 652.)

3831. (2788.) *Casting More Than One Ballot.*—Whoever casts more than one ballot at the same election shall be punished by imprisonment not exceeding three months, or by fine not exceeding one hundred dollars.

3832. (2789.) *Registered Voter Changing Name.*—No registered voter shall call himself or pass by any other name than the name by which he is registered. Nothing in this section shall prevent the alteration of names by the Circuit Court as provided by law, and when the name of any one is changed by the order of said court he shall notify the County Commissioners of the fact that his name has been changed. Any one violating this section shall be fined not exceeding twenty dollars, and upon conviction a second time shall be imprisoned in the State prison not exceeding one year.

3833. (2790.) *Betting on Result of Election.*—Whoever makes or becomes directly or indirectly interested in any bet or wager, the result of which shall depend upon any election, shall be punished by fine not exceeding three hundred dollars: Provided, Such bet or wager or the becoming interested therein, shall occur on or before the day of holding such election.

3834. *Failure to Assist Deputy Sheriffs at Polls.* Any person, when summoned or called upon by the Sheriff or deputy sheriff, who shall fail or refuse to assist him in maintaining the peace and good order at the polls shall be fined in a sum not exceeding two hundred and fifty dollars, or be imprisoned not to exceed six months.

3835. *Ballot Not To Be Seen; and Other Offenses.* Any elector who shall, except as provided by law, allow his ballot to be seen by any person, or who shall take or remove or attempt to take or remove any ballot from the polling place before the close of the polls, or place any mark upon his ballot by which it may be identified, or take into the election booth any mechanical device, ticket or memorandum, printed or written, other than the official ballot or ticket to enable him to mark said ballot or ticket, or any person who shall interfere with any elector when inside of the polling place or when marking his ballot, or unduly influence or attempt to unduly influence any elector in the preparation of his ballot, or any elector who shall remain longer than the specified time allowed by law in the booth or compartment after having been notified that his time has expired, or who shall endeavor to induce any elector to show how he marks or has marked his ballot or aids or attempts to aid any elector by any means of any mechanical device whatever in marking his ballot, or shall print or procure to be printed or have in his possession any copy of any ballot prepared to be voted, shall be fined not less than ten nor more than one hundred dollars, or be imprisoned not more than three months. Any ballot marked by the elector for identification shall be rejected.

3836. *To Prevent the Use of Money for Political Purposes by Corporations.*—No foreign or non-resident corporation or corporations organized under the laws of the United

States doing business in this State, nor any domestic corporation, shall pay or contribute, or offer, consent or agree to pay or contribute directly or indirectly, any money, property or thing of value to any political party, organization, committee or individual for any political purpose whatsoever, or for the purpose of influencing legislation of any kind, or to promote or defeat the candidacy of any person for nomination, appointment or election to any political office. Any officer, employee, agent or attorney or other representative of any corporation, acting for and in behalf of such corporation, who shall violate this section shall be punished upon conviction by a fine of not less than one thousand nor more than ten thousand dollars, or by imprisonment in the State prison for a period of not less than two nor more than five years, or by both such fine and imprisonment in the discretion of the court or judge before whom such conviction is had; and the corporation, if a domestic corporation, is dissolved, if after a proper proceeding upon quo warranto in either the Circuit or Supreme Court of the State to be prosecuted by the Attorney-General of the State, the court shall find and give judgment that this section has been violated as charged, and if a foreign or non-resident corporation, its right to do business in this State ceases. The violation of this section by any officer, employee, agent, attorney or other representative of a corporation, shall be prima facie evidence that such officer, employee, agent, attorney or other representative of such corporation, is acting for and in behalf of such corporation.

3837. *Penalty for Aiding or Abetting.*—Any person or persons who shall aid, abet, or advise a violation of the preceding section shall be punished in like manner as the principal offender.

3838. *Where Violation Is To Be Prosecuted.*—Violations of the two preceding sections shall be prosecuted in the county where such payment or contribution is made.

3839. *Threats of Employers to Control Votes of Employees.*—It shall be unlawful for any person or persons firm, joint stock company, association or corporation, organized, chartered or incorporated by and under the laws of this State, either as owner or lessee, having persons in their service as employees, to discharge any employee or

employees or to threaten to discharge any employee or employees in their service for voting or not voting in any election, State, county or municipal, for any person as candidate or measure submitted to a vote of the people. Any person or persons, firm, joint stock company, association or corporation, organized, chartered or incorporated under the laws of this State, or operated in this State violating any of the provisions of this section shall pay a fine of not more than one thousand dollars.

3840. *Acting as Officer or Agent.*—Any person acting as an officer or agent of any firm, joint stock companies, associations or corporations of any kind and character hereinbefore described, or any one of them who makes or executes any notice, order, or threat of the kind hereinbefore forbidden in the next preceding section, shall pay a fine of not more than five hundred dollars, or be imprisoned not more than six months.

3841. *Illegal Voting and Unlawful Acts in Primary Elections.*—If any person who is not entitled to vote under the primary election laws, vote at any primary election held thereunder, or vote more than once, or personate another person, or in any name other than his own legal name, or in any manner disturb the orderly proceedings of any such election, or intimidate or in any manner attempt to intimidate or deter from voting, or impose, or attempt to impose, on any duly authorized voter, a ticket or ballot other than it appears on its face to be, such person or persons shall be fined not less than ten dollars or be imprisoned for not more than three months.

CHAPTER 6471—(No. 51).

AN ACT Relating to the Election of United States Senators and to the Appointment of Such Senators When Vacancies Happen in the Representation of This State in the Senate of the Congress of the United States.

Whereas the following has been (proclaimed as having been) duly adopted as Article XVII of the Amendments to the Constitution of the United States,

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein), That in lieu of the first paragraph of Section 3 of Article 1, of the Constitution of the United States, and in lieu of so much of paragraph two of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths of the States:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies; Provided, That the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies as the Legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

And whereas it is the purpose of this State to conform to the requirements of such fundamental law, therefore,

Be It Enacted by the Legislature of the State of Florida

Section 1. The Senators from Florida in the Congress of the United States shall be elected at the general elections in the State held next preceding the expiration of the terms of office of such Senators, and such elections shall conform as near as practicable to the methods and means provided for the election of State officers.

Sec. 2. Should a vacancy happen in the representation of this State in the Senate of the Congress of the United States, the Governor shall issue writs of election to fill such vacancy at the next general election; and the Governor may make temporary appointments until the vacancy is filled by election.

Approved May 26, 1913.